

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF AGRICULTURE**

**CHAPTER 0080-01-05  
PUBLIC RECORDS ACCESS**

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**0080-01-05-.01 PURPOSE.**

These rules are promulgated to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in T.C.A. §§ 10-7-501, et seq.

**Authority:** T.C.A. §§ 4-3-203(10)(A); 4-5-201, et seq.; 10-7-503; 10-7-504; and 10-7-506. **Administrative History:** Original rule filed June 9, 2010; effective November 28, 2010. Amendments filed January 2, 2019; effective April 2, 2019.

**0080-01-05-.02 DEFINITIONS.**

- (1) "Public Record" means, all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.
- (2) "Public Records Request Coordinator" or coordinator means the individual, including any person acting at the direction of the individual, designated by the commissioner to coordinate responses to public record requests and ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA.
- (3) "Records Custodian" means the office, official or employee directly responsible for the custody and care of a public record. The records custodian is not necessarily the original preparer or receiver of the record.
- (4) "Requestor" means a person seeking access to a public record, whether for inspection or duplication.
- (5) Tennessee citizenship means having a physical work or residential address within the state. Post office boxes shall not be considered proof of citizenship under this definition.

**Authority:** T.C.A. §§ 4-3-203(10)(A); 4-5-201, et seq.; 10-7-503; 10-7-504; and 10-7-506. **Administrative History:** Original rule filed June 9, 2010; effective November 28, 2010. Amendments filed January 2, 2019; effective April 2, 2019.

**0080-01-05-.03 REQUESTS FOR ACCESS TO RECORDS.**

- (1) Requests may be submitted orally or in writing to any department employee. However, requests are not deemed received by the department until presented to the Public Records Request Coordinator (PRRC). The coordinator's contact information, including mailing address, telephone number, facsimile number, and email address, shall be made available at

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the department's internet website. Direct contact information for the coordinator is: Tennessee Department of Agriculture, Public Records Request Coordinator, Post Office Box 40627, Nashville, Tennessee 37204, (615) 837-5100.

- (2) The department may require that requests for copies of public records be made in writing. Requests in writing may be submitted in person or by conventional or electronic mail.
- (3) Requests to access public records for inspection only are not required in writing. However, the department may require a mailing or e-mail address from the requestor in order to provide any written communication mandated under the TPRA.
- (4) A requestor must be either a Tennessee citizen or a representative of a Tennessee citizen, submitting the request on the citizen's behalf. The department may require proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative identification deemed acceptable by the PRRC.
- (5) Production of public records may be requested in a particular format; however, the PRRC retains discretionary authority over the manner of production. Absent extraordinary circumstances the PRRC will produce public records in the manner deemed most economical and efficient and will not authorize removal of any original record from departmental facilities for copying.
- (6) The department may require a reasonable appointment time and location for inspection of public records. Location for inspection of records shall be determined in the sole discretion of the PRRC.
- (7) The department may aggregate records requests in accordance with the Frequent and Multiple Request Policy promulgated by the Office of Open Records Counsel.

**Authority:** T.C.A. §§ 4-3-203(10)(A); 4-5-201, et seq.; 10-7-503; 10-7-504; and 10-7-506. **Administrative History:** Original rule files June 9, 2010; effective November 28, 2010. Amendments filed January 2, 2019; effective April 2, 2019.

#### **0080-01-05-.04 RESPONDING TO PUBLIC RECORDS REQUESTS.**

- (1) The PRRC shall review public record requests and make an initial determination that the requestor provided evidence of Tennessee citizenship; that the records requested are described with sufficient specificity to be identified; and, that the department is the custodian of the records.
- (2) The PRRC shall respond to the request according to the requirements of the TPRA.
- (3) The department shall not charge fees for inspection only of open public records.
- (4) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access; and, shall provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.
- (5) The following information will be redacted from department records prior to access:
  - (a) Information that is protected, confidential or privileged pursuant to any state law or regulation; federal law or regulation; or court order;
  - (b) Information protected as attorney-client communication or attorney work product; or

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- (c) Any record or information required to be confidential in conjunction with the department's participation in a federally funded program.

**Authority:** T.C.A. §§ 4-3-203(10)(A); 4-5-201, et seq.; 8-4-604; 10-7-503; 10-7-504; and 10-7-506. **Administrative History:** Original rule filed June 9, 2010; effective November 28, 2010. Amendments filed January 2, 2019; effective April 2, 2019.

#### **0080-01-05-.05 COPIES OF RECORDS.**

- (1) Copies of requested records may be made available for pickup at a location determined by the PRRC. Upon payment for postage, copies will be mailed to the requestor's address by the United States Postal Service.
- (2) Except for the use of a cell phone or handheld camera, a requestor will be not allowed to make copies of records with personal equipment.

**Authority:** T.C.A. §§ 4-3-203(10)(A); 4-5-201, et seq.; 10-7-503; 10-7-504; and 10-7-506. **Administrative History:** Original rule filed June 9, 2010; effective November 28, 2010. Amendments filed January 2, 2019; effective April 2, 2019.

#### **0080-01-05-.06 PAYMENT FOR RECORDS.**

- (1) This chapter shall be interpreted and enforced in accordance with the TPRA and using the current Schedule of Reasonable Charges issued by the Office of Open Records Counsel as a guide.
- (2) Prior to copies being made or prior to developing a specific format for the reproduction of records, the PRRC may provide an estimate of copying costs and require payment prior to copies being made or prior to developing a specific format for the reproduction of records.
- (3) Payment for the costs of reproducing records shall be made by cash, cashier's check, money order; or, at the department's discretion, personal checks or credit cards. Checks or money orders shall be made payable to the Treasurer, State of Tennessee. Payment for production of records shall be delivered to the PRRC.

**Authority:** T.C.A. §§ 4-3-203(10)(A); 4-5-201, et seq.; 10-7-503; 10-7-504; and 10-7-506. **Administrative History:** Original rule filed June 9, 2010; effective November 28, 2010. Amendments filed January 2, 2019; effective April 2, 2019.

#### **0080-01-05-.07 COPY FEE WAIVERS.**

- (1) The department may waive fees for copies and labor up to \$25.00.
- (2) The department may provide copies of rules, guidance documents, public reports, etc., at no charge.
- (3) The department may waive fees for copies of public records provided to federal, state or local governmental agencies or officials.
- (4) The department may waive fees for copies of public records provided to any person that will use the records to perform work or other official business of the department.
- (5) No duplication costs will be charged for requests of records of up to 10 pages in length that may be readily copied and delivered to a requester.

(Rule 0080-01-05-.07, continued)

**Authority:** T.C.A. §§ 4-3-203(10)(A); 4-5-201, et seq.; 10-7-503; 10-7-504; and 10-7-506. **Administrative History:** Original rule filed June 9, 2010; effective November 28, 2010. Amendments filed January 2, 2019; effective April 2, 2019.